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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN ANTONIO CHAVEZ-
REGALADO,

Defendant - Appellant.

No. 05-10789

D.C. No. CR-02-05333-REC

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Robert E. Coyle, Senior District Judge, Presiding

Submitted October 22, 2007^{**}

Before: B. FLETCHER, WARDLAW, and IKUTA, Circuit Judges.

Juan Antonio Chavez-Regalado appeals from the district court's order concluding that it would not have imposed a materially different sentence,

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

following a limited remand under *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Chavez-Regalado's counsel has filed a brief requesting to withdraw as counsel of record, and stating there are no grounds for relief. We have provided the appellant an opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no grounds for relief on direct appeal.

Accordingly, Chavez-Regalado's pro se motion to dismiss is **DENIED**, counsel's request to withdraw is **GRANTED**, and the district court's order is **AFFIRMED**.